

**ENTERED**

November 21, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
—BROWNSVILLE DIVISION—**

BENITO ALANIZ, SR., §  
Petitioner, §  
§  
VS. § CIVIL NO. B-17-189  
§ (CRIMINAL No. B-15-317-1)  
UNITED STATES OF AMERICA, §  
Respondent. §

**ORDER**

On September 14, 2017, the United States Magistrate Judge filed a Report and Recommendation. [Doc. No. 5]. Plaintiff has objected to said Report and Recommendation. [Doc. No. 9].

Having considered *de novo* the Magistrate Judge's Report and Recommendation and the issues raised by Plaintiff's objections, the Court orders that the Magistrate Judge's Report and Recommendation is hereby adopted. Therefore, Petitioner Benito Alaniz, Sr.'s Motion to Vacate, Set Aside or Correct his Sentence pursuant to 28 U.S.C. § 2255 [Doc. No. 1] is hereby denied as meritless. The Certificate of Appealability is denied.

Signed this 20<sup>th</sup> day of November, 2017.



Andrew S. Hanen  
United States District Judge